



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

DAVID W. CASH
Commissioner

**This is an electronic facsimile of a document on file with the Massachusetts
Department of Environmental Protection**

Robert Delhome
Charter Environmental, Inc.
560 Harrison Avenue
Boston, MA 02118

RE: CHELMSFORD—Solid Waste Management/COR
Glenview Landfill
Stedman Street
FMF Number: 296976

BWP SW11/Landfill Major Modification
Transmittal Number: X258414
Interim Stockpiling Plan
Final Decision - Approval

Dear Mr. Delhome:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Waste Prevention, Solid Waste Management Section (“MassDEP”) has reviewed your application for approval to stockpile grading and shaping materials at the Glenview Landfill located off Stedman Street in Chelmsford, Massachusetts (the “Landfill”). CDM Smith, Inc. of Cambridge, Massachusetts (“CDM Smith”) prepared and submitted the application, category *BWP SW 11, Permit for Landfill Major Modification*, Transmittal No. X258414, to MassDEP on behalf of Charter Environmental, Inc. (“Charter”). MassDEP received the application on January 21, 2014.

The application included a plan titled: “*MATERIAL MANAGEMENT PLAN, Interim Stockpiling, Glenview Landfill, Chelmsford, Massachusetts*” with the procedures for the acceptance and stockpiling of grading and shaping material at the Landfill. On March 6, 2014, MassDEP received a revised plan for the proposed interim stockpiling of grading and shaping material at the Landfill. The revised plan, titled: “*REVISED MATERIAL MANAGEMENT PLAN, Interim Stockpiling Operations, Glenview Landfill, Chelmsford, Massachusetts*” (the “Interim

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Stockpiling Plan” or “ISP”) was prepared and submitted to MassDEP on behalf of Charter by Langdon Environmental LLC of Marlborough, Massachusetts.

Your application has been assigned File Number X258414. In accordance with 310 CMR 19.031 (1), this File Number must be referred to on all future correspondence regarding this application.

DISCUSSION

Charter is under agreement with the landowner, Sandbanks, LLC, to complete the final closure of the Glenview Landfill and other associated activities in accordance with the Solid Waste Management Regulations, 310 CMR 19.000. As owner of the Landfill, Sandbanks, LLC retains ultimate responsibility for the closure and post closure monitoring and maintenance of the Landfill as well as addressing the impact of cyanide contamination on the groundwater at the site.

On November 20, 2013, MassDEP approved Charter’s conceptual plan (the “Conceptual Closure Plan”) for the placement of approximately 420,000 cubic yards (cy) of additional grading and shaping materials to complete the final closure of the Landfill in accordance with the Massachusetts Solid Waste Regulations, 310 CMR 19.000.¹ Approved grading and shaping materials includes: clean soil; soil meeting MassDEP’s guidance “Reuse and Disposal of Contaminated Soils at Massachusetts Landfills”, COMM-97-001, for unlined landfills; street sweepings; catch basin cleanings from storm water systems that are separated from sewers; dewatered dredge materials per MassDEP Policy 94-007, and other materials as may be approved by MassDEP².

The Conceptual Closure Plan also proposed that Charter be allowed to receive and stockpile approximately fifty thousand (50,000) cubic yards of shaping and grading soil at the Landfill pending MassDEP’s approval of the Corrective Action Design for completing closure of the Landfill. MassDEP’s approval of the Conceptual Closure Plan required, in part, that Charter submit to MassDEP for review and approval a plan for the proposed interim stockpile of grading and shaping material at the Landfill, as an application category BWP SW 11: *Landfills-Major Modification*.

As described in this application, Charter proposes to:

1. Stockpile approximately 50,000 cubic yards of grading and shaping materials at the site prior to receiving final MassDEP approval for the Corrective Action Design permit application submittal. Charter is requesting that they be allowed to commence stockpiling while other approvals such as the Corrective Action Design (CAD) permit application are finalized.
2. Accept up to 10,000 cy of asphalt, brick and concrete (“ABC”) materials for the construction of temporary roadways and vehicle turning areas on the Landfill footprint. The use of ABC

¹ Application category, BWP SW45 - *Any Facility – Alternative Review*, Transmittal No. X257263

² BUD materials are materials approved pursuant to 310 CMR 19.060, “*Beneficial Use of Solid Waste*”, for reuse as shaping and grading material in construction of the subgrade for a landfill cap.

shall be conducted in accordance with MassDEP's ABC policy. MassDEP approval must be obtained prior to using painted or coated ABC materials at the site.

3. Access the site from Westford Street, along the Lowell Landfill access roadway, in which the site has an easement. Charter is, also, seeking permission of the City of Lowell to install a weight scale, office trailer, and wheel wash within the access road.
4. Prior to the initiation of stockpiling grading and shaping material at the Landfill, install the appropriate erosion control barriers, perform repairs to the storm water control basin and swales, prepare the subgrade area, install the truck scale, and install controls to minimize off-site tracking of materials and to control generation of dust on the site.

In addition, CDM Smith has submitted a Letter of Map Revision ("LOMR") application, I.D. No. R290635003734, to the Federal Emergency Management Agency ("FEMA") requesting a correction of the 100 year Flood Plain Boundary for Black Brook in the area of the Landfill shown on the 2010 Federal Flood Insurance Map (F.I.R.M). The 2010 F.I.R.M., I.D. No. 25017C0251E, in part, relocated the floodplain boundary from its previous location shown on the 1980 F.I.R.M to a portion of the Landfill plateau and eastern side slope.

The western edge of the floodplain boundary shown on both the 1980 and 2010 F.I.R.Ms runs from Route 3 to a point approximately 455 feet to the northeast on a line approximately parallel to and 100 feet southeast of the base of the Landfill slope. The 2010 F.I.R.M then depicts the 100 year flood plain boundary as turning 90 degrees to the base of the Landfill slope, from there to the southeast along the base of the slope, then rising 40 feet in elevation up the eastern side slope of the Landfill to and around an area of exposed flexible membrane liner ("FML") on the Landfill's plateau, then returning down the eastern side slope to the base of the Landfill to a location close to the flood plain boundary as shown on the 1980 F.I.R.M. This contrasts with the 1980 F.I.R.M that shows the 100 year flood plain proceeding to the northeast parallel to and approximately 100 feet southeast of the base of the Landfill's eastern side slope, between approximately the 110 and 120 foot contours.

Section 310 CMR 19.006 *Definitions* of the Massachusetts Solid Waste Regulations defines floodplain as:

"....an area which floods from a rise in a bordering waterway or waterbody and is the maximum lateral extent of flood water which will result from the statistical 100 year frequency storm. This boundary shall be determined using the data available through the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA), except where the Department determines that more accurate information is available."

Section 310 CMR 10.57(2) *Definitions, Critical Characteristics and Boundaries* of the Massachusetts Wetland Regulations defines Bordering Land Subject to Flooding as:

"...an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland."

The proposed interim stockpiling of shaping and grading material will occur within the area of the Landfill and outside of 100 year floodplain boundary as shown on the 1980 F.I.R.M and

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outside of the revised floodplain boundary as identified by CDM Smith in the LOMR filed with FEMA for the 2010 F.I.R.M.

On March 11, 2014, MassDEP issued a draft decision approving this application. MassDEP accepted comments on the Draft Decision from interested parties including, but not limited to, the public, the applicant, Town of Chelmsford and the City of Lowell. The comment period closed on April 4, 2014, at 5:00 pm.

MassDEP did receive, via email, a comment letter on April 3, 2014, from the Town of Chelmsford Board of Selectmen. In addition, MassDEP received comments from Mr. James Tibbetts, via email, on April 15, 2014, after the close of the comment period.

A copy of the comments with MassDEP responses is included as an attachment to this permit. The conditions of this approval have been amended in response to the comments received by MassDEP.

DECISION

MassDEP has determined that the application, as conditioned by this decision, complies with the requirements of 310 CMR 19.000. Therefore, in accordance with M.G.L. Chapter 111, § 150A and 310 CMR 19.000, MassDEP approves your application and the Interim Stockpiling Plan for the Glenview Landfill subject to compliance with the conditions of this decision. These conditions are imposed by MassDEP pursuant to 310 CMR 19.043(1).

CONDITIONS

1. **Effective Date:** Pursuant to 310 CMR 19.033(4)(a), this permit shall become effective on April 25, 2014 the date of issuance this permit.
2. **Site Preparation:** Prior to the initiation of stockpiling grading and shaping material, Charter shall install the erosion control barriers, repair the storm water control basin and swales, stabilize the existing Landfill cap, prepare the subgrade area, install the truck weighing scale, and implement the controls to minimize off-site tracking of materials and to control generation of dust on the site.
3. **Notification:** At least seven (7) days prior to the initiation of stockpiling grading and shaping material at the site, Charter shall notify MassDEP, the Town of Chelmsford, and the City of Lowell of the date that the receipt of shaping and grading material will begin and shall include with the notice a health and safety plan(s) for performing the closure activities at the Landfill.
4. **Acceptable Grading & Shaping Materials:** The following grading and shaping materials are approved for use in this project: clean soils; soils meeting the guidelines established in MassDEP's policy COMM-97-001: *"Reuse and Disposal of Contaminated Soils at*

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Massachusetts Landfills,³ for unlined landfills; street sweepings; catch basin cleanings from storm water systems that are separated from sewers; and dewatered dredge materials for unlined landfills per MassDEP Policy 94-007.⁴

5. **Material Tracking:** The transportation of all grading and shaping materials to the site shall be conducted in accordance with the Material Shipping Record (MSR) procedures described in either the COMM-97-001 or COMM-94-007 policies; or the Bill of Lading (BOL) provisions of 310 CMR 40.0030, as applicable.
6. **Confirmatory Sampling:** In addition to the laboratory testing to be performed by the source sites prior to delivery to the Landfill, the following two sets of confirmatory sampling and laboratory analysis shall be performed during acceptance of grading and shaping materials during the stockpiling operations:
 - a. If a load(s) enters the Landfill that is visually different than other loads from the same source site, exhibits a strong odor or free liquids, or has a significant amount of solid waste, Charter shall segregate that load (and any subsequent loads with similar issues from the same source site) from the stockpile operations and collect a sample for laboratory analysis. This procedure shall apply to all grading and shaping materials that are accepted at the Landfill.
 - b. Charter shall arrange for the Engineer of Record⁵ for the project to collect and submit for laboratory analysis random samples of incoming grading and shaping material from randomly selected loads being delivered at the Landfill. The random samples shall be collected at a frequency of three (3) samples per calendar quarter (that is per three months). The load that a random sample is collected from shall be segregated from the ongoing operations until the results from the laboratory analysis are available.
 - c. The sampling results from the confirmatory sampling events shall be submitted on a monthly basis as part of the monthly third party inspection reports. The monthly third party inspection reports shall be submitted to MassDEP, the Town of Chelmsford and the City of Lowell.
7. **Site Maintenance:** Maintenance of side slopes, berm(s), drainage swales, storm water systems, outlet structures, and appurtenances shall be performed to keep these structures in good working order. The area around the site entrance shall be maintained in a condition which shall prevent tracking of sediment onto the public right-of-way. All sediment spilled, dropped, washed or tracked onto the public right-of-way shall be removed immediately.
8. **Dust Control:** Charter shall also implement all measures necessary to control and prevent the generation and emission of dust wherever and whenever necessary at the Landfill, the

³ For contaminants for which acceptance criteria are not identified in COMM-97-001 or COMM-94-007 Charter may use the RC-S1 notification criteria identified in 310 CMR 40.0000 as the acceptance criteria.

⁴ Charter may seek approval from MassDEP to utilize additional materials or previously approved BUD materials for shaping and grading of the Landfill. BUD materials are materials approved pursuant to 310 CMR 19.060, "Beneficial Use of Solid Waste", for reuse as shaping and grading material in construction of the subgrade for a landfill cap.

⁵ Engineer of Record or his/her direct employee or subordinate.

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access road, and any other areas related to or under control of Charter to prevent nuisance conditions and/or fugitive dust emissions. Water shall not be used for dust control in amounts that produce excessive infiltration, ponding, runoff or erosion.

9. **Diesel Equipment Emissions:** Charter shall, at a minimum, comply with the Best Management Practices listed below to minimize diesel emissions at the Landfill:
 - a. The use of ultra low sulfur diesel (“USLD”) fuel in on-site construction equipment;
 - b. Minimize the idling of equipment, by turning off engines when not in use for more than five (5) minutes including, without limitation, trucks queuing for weighing and tipping of grading and shaping material; and
 - c. The use of only diesel powered non-road construction equipment which comply, at a minimum, with Tier 3 state and federal emission standards.⁶
10. **Public Information Session:** Charter shall, prior to commencing the receipt and stockpiling of grading and shaping material in accordance with the ISP, conduct a public information meeting open to the general public and abutters to the Landfill. Charter shall present the activities that it intends to undertake at the Landfill pursuant to the ISP and to complete the closure of the Landfill. Charter shall prepare and submit to MassDEP within ten (10) days after the date of public meeting a report to MassDEP that summarizes the meeting and contains a summary of comments and issues raised by the participants.
11. **Corrective Action Design:** Charter shall include in the Corrective Action Design application the 3-D renderings that Charter’s April 11, 2014, correspondence to MassDEP commits to provide the Town of Chelmsford.

NOTICE OF RIGHT TO APPEAL

Appeal. Any person aggrieved by the issuance of this decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A, and M.G.L. c. 30A, not later than thirty (30) days following the date of receipt of the final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective.

Notice of Action. Any aggrieved person intending to appeal this decision to the Superior Court shall first provide notice to the Department of their intention to commence such action. Said notice of intention shall include the Department file number and shall identify with particularity the issues and reasons why it is believed the decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office which processed the application. The appropriate addresses to which to send such notices are:

⁶ For federal (U.S. EPA) emission control standards for non-road engines, refer to 40 CFR Part 1068 and 40 CFR Part 89.

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General Counsel
Department of Environmental Protection
One Winter Street - 3rd Floor
Boston, MA 02108

Eric Worrall
Regional Director
Department of Environmental Protection
205b Lowell Street
Wilmington, MA 01887

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions in regards to this matter please contact Richard Spieler at (978)694-3317.

This final document copy is being provided to you electronically by the Massachusetts Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Sincerely,
Richard J. Spieler
Environmental Engineer
Solid Waste Management Section

Sincerely,
John A. Carrigan
Section Chief
Solid Waste Management Section

JAC/RJS/rjs

cc:

Julie Foshay
Sandbanks, LLC
19 Cedar Street
Wilmington, MA 01887

Laura Bugay
CDM Smith, Inc
Email: BugayLA@cdmsmith.com

Bruce Haskell, Principal

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Langdon Environmental, LLC
Email: bhaskell@langdonenv.com

Chelmsford Town Manager
pcohen@townofchelmsford.us

Chelmsford Conservation Commission
aleflore@townofchelmsford.us

Chelmsford Board of Health
rday@townofchelmsford.us

Lowell City Manager
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James Tibbetts
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File Copy: Mass DEP- Nero/Solid Waste
Management/COR

Fact Sheet

FACT SHEET
Glenview Landfill
Interim Stockpiling: Material Management Plan

File Number: X258414

Facility: Glenview Landfill
Former Glenview Sand & Gravel
FMF Facility Number: 296976
RO#: 330331

Location: Stedman Street
Chelmsford, MA

Owner: Sandbanks, LLC
19 Cedar Street
Wilmington, MA 01887

Operator: Charter Environmental, Inc.
560 Harrison Ave., 5th Floor
Boston, MA 02118

MEPA: Not Subject to review under MEPA per MEPA advisory opinion letter dated
November 15, 2013.

Current Application:

Type: Landfills- Major Modification (BWP SW11)
Transmittal Number: X258414
Date: January 16, 2014
Received: January 21, 2014
Revised : March 2014

Engineer of Record:

Langdon Environmental, LLC
Marlborough Office Center
241 Boston Post Road, West 1st Floor
Marlborough, MA 02139
Bruce Haskell, PE

Related Documents:

1. Administrative Consent Order- Charter Environmental, Inc.
ACO-NE-14-4002
March 21, 2014
2. Administrative Consent Order- Sandbanks, LLC
ACO-NE-14-4001
March 21, 2014

FACT SHEET
Glenview Landfill
Interim Stockpiling: Material Management Plan

File Number: X258414

3. Conceptual Project Approval Request
BWP SW 45 Alternative Review Permit
Glenview Landfill
Chelmsford, MA
September 17, 2013
Prepared by CDM Smith
4. Request for MEPA Advisory Opinion
Proposed Unlined Landfill Closure Project
Glenview Landfill Site
Chelmsford, MA
October 23, 2013
Prepared by CDM Smith
5. MEPA Response to Request for Advisory Opinion
Proposed Unlined Landfill Closure Project - Chelmsford
Executive Office of Energy and Environmental Affairs
November 15, 2013
6. Estimate of Proposed Financial Assurance Mechanism Amount
Proposed Unlined Landfill Closure Project
Glenview Landfill Site
Chelmsford, MA
December 2, 2013
Prepared by CDM Smith
7. Letter to MassDEP
Re: Certification of Agreement
Charter Environmental, Inc.
April 11, 2014

Submittals as part of this Application:

Report: Revised Material Management Plan
Interim Stockpiling Operations
March 2014
Prepared by Langdon Environmental, LLC

Plan: Glenview Landfill-Chelmsford
Grading & Shaping Project
Stockpiling Plan: Sheet C-1
January 2014
Revised February 2014

Background:

Charter is under agreement with the landowner, Sandbanks, LLC, to complete the final closure of the Glenview Landfill and other associated activities in accordance with the Solid Waste Management Regulations, 310 CMR 19.000. In a letter dated April 11, 2014, Charter certified that they have executed an agreement with Sandbanks, LLC for the closing of the former Glenview Landfill located in Chelmsford, Massachusetts. As owner of the Landfill, Sandbanks, LLC retains ultimate responsibility for the closure and post closure monitoring and maintenance of the Landfill as well as addressing the impact of cyanide contamination on the groundwater at the site.

On March 21, 2014, Charter entered into an Administrative Consent Order (ACO), File No. ACO-NE-14-4002, with MassDEP for completing closure of the Landfill. The ACO also provided for submittal and implementation of the interim stockpiling plan and a Corrective Action Design for completing the Landfill's closure. On March 21, 2014, Sandbanks also entered into an ACO, File No. ACO-NE-14-4001, with MassDEP for the closure and post-closure monitoring and maintenance of the Landfill including addressing the impact of cyanide contamination on the groundwater at the site.

On November 20, 2013, MassDEP approved Charter's conceptual plan (the "Conceptual Closure Plan") for the placement of approximately 420,000 cubic yards (cy) of additional grading and shaping materials to complete the final closure of the Landfill in accordance with the Massachusetts Solid Waste Regulations, 310 CMR 19.000.⁷ Approved grading and shaping materials included: clean soils; soils meeting MassDEP's guidance "Reuse and Disposal of Contaminated Soils at Massachusetts Landfills", COMM-97-001, for unlined landfills; street sweepings; catch basin cleanings from storm water systems that are separated from sewers; and dewatered dredge materials for unlined landfills per MassDEP Policy 94-007.

The Conceptual Closure Plan also proposed that Charter be allowed to receive and stockpile approximately fifty thousand (50,000) cubic yards (cy) of shaping and grading soil pending MassDEP's approval of the revised Corrective Action Design for completing closure of the Landfill. MassDEP's approval of the Conceptual Closure Plan required that Charter submit to MassDEP for review and approval a plan for the proposed interim stockpile of grading and shaping material at the Landfill, an application category BWP SW 11: *Landfills-Major Modification*.

Charter proposes the following as part of the Interim Stockpiling Plan:

1. Stockpile approximately 50,000 cubic yards of grading and shaping materials at the site prior to receiving final MassDEP approval for the Corrective Action Design permit application submittal. Charter is requesting that they be allowed to commence with stockpiling while other approvals such as the Corrective Action Design (CAD) permit application are finalized.

⁷ Application category, BWP SW45 - Any Facility – Alternative Review, Transmittal No. X257263

Glenview Landfill

Interim Stockpiling: Material Management Plan

2. Accept up to 10,000 cy of asphalt, brick and concrete (“ABC”) materials for the construction of temporary roadways and vehicle turning areas on the Landfill footprint. The use of ABC shall be conducted in accordance with MassDEP’s ABC policy. MassDEP approval must be obtained prior to using painted or coated ABC materials at the site.
3. Access the site from Westford Street, along the Lowell Landfill access roadway, in which the site has an easement. Charter has received permission from the City of Lowell to install a weight scale, office trailer, and wheel wash within the access road.
4. Prior to the initiation of stockpiling, install the appropriate erosion control barriers, perform repairs to the storm water control basin and swales, prepare the subgrade area, install the truck scale, and install controls to minimize off-site tracking of materials and to control generation of dust on the site.

In addition, CDM Smith has submitted a Letter of Map Revision (“LOMR”) application, I.D. No. R290635003734, to the Federal Emergency Management Agency (“FEMA”) requesting a correction of the 100 year Flood Plain Boundary for Black Brook in the area of the Landfill shown on the 2010 Federal Flood Insurance Map (F.I.R.M.). The 2010 F.I.R.M., I.D. No. 25017C0251E, in part, relocated the floodplain boundary from its previous location shown on the 1980 F.I.R.M. to a portion of the Landfill plateau and eastern side slope.

The western edge of the floodplain boundary shown on both the 1980 F.I.R.M. and 2010 F.I.R.M runs from Route 3 to a point approximately 455 feet to the northeast on a line approximately parallel to and 100 feet southeast of the base of the Landfill slope. The 2010 F.I.R.M. then depicts the 100 year flood plain boundary as turning 90 degrees to the base of the Landfill slope, from there to the southeast along the base of the slope, then rising 40 feet in elevation up the eastern side slope of the Landfill to and around an area of exposed flexible membrane liner (“FML”) on the Landfill’s plateau, then returning down the eastern side slope to the base of the Landfill to a location close to the flood plain boundary as shown on the 1980 F.I.R.M. This contrasts with the 1980 F.I.R.M that shows the 100 year flood plain proceeding to the northeast parallel to and approximately 100 feet southeast of the base of the Landfill’s eastern side slope, between approximately the 110 and 120 foot contours.

Section 310 CMR 19.006 *Definitions* of the Massachusetts Solid Waste Regulations defines floodplain as:

“....an area which floods from a rise in a bordering waterway or waterbody and is the maximum lateral extent of flood water which will result from the statistical 100 year frequency storm. This boundary shall be determined using the data available through the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA), except where the Department determines that more accurate information is available.”

Section 310 CMR 10.57(2) *Definitions, Critical Characteristics and Boundaries* of the Massachusetts Wetland Regulations defines Bordering Land Subject to Flooding as:

“...an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.”

The proposed interim stockpiling of shaping and grading material will occur within the area of the Landfill and outside of 100 year floodplain boundary as shown on the 1980 F.I.R.M and outside of the revised floodplain boundary as identified by CDM Smith in the LOMR filed with FEMA for the 2010 F.I.R.M.

On December 2, 2013, CDM Smith submitted to MassDEP an estimate for a Financial Assurance Mechanism pursuant to 310 CMR 19.051 to complete the closure of the Landfill. CDM Smith estimated the cost to be USD \$2,982,000.00. MassDEP concurred with the estimate and Charter has established a FAM in favor of the MassDEP to satisfy the financial assurance requirements set forth at 310 CMR 19.051. The Enterprise Bank and Trust Company, as Trustee, will hold an original executed copy of the STA and the original copy of the Performance Bond (Bond No. SUR 36000001) issued by Iron Shore Indemnity, Inc. on April 7, 2014 in the amount of USD \$2,982,000.00.

On March 11, 2014, MassDEP issued a draft decision approving this application, for the purpose of receiving comments on the Draft Decision from interested parties including, but not limited to, the public, the applicant, Town of Chelmsford and the City of Lowell. The comment period closed on April 4, 2014, at 5:00 pm.

The MassDEP received a comment letter dated April 3, 2014 from the Town of Chelmsford Board of Selectmen. Langdon Environmental, LLC on behalf of Charter submitted a letter dated April 11, 2014 responding to the Board of Selectmen's comment letter. On April 15, 2014, MassDEP also received comments from Mr. James Tibbett regarding the potential impact of truck traffic from the project on his business at 409 Drum Hill Road, Chelmsford, MA. A copy of the Board of Selectmen's and Mr. Tibbett's comments with MassDEP responses and Langdon's letter are included as an attachment to this permit. The conditions of this approval have been amended in response to the comments received by MassDEP. These modifications are described in the attached response to comments by MassDEP.

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Response to Comments

RESPONSE TO PUBLIC COMMENTS

Interim Stockpiling Plan Glenview Landfill Chelmsford, Massachusetts April 2014

On March 11, 2014, MassDEP issued a provisional decision approving the Interim Stockpiling Plan (“ISP”) for public review and comment. The comment period closed on April 4, 2014. MassDEP received written comments from two commenters: (1) the Town of Chelmsford, Board of Selectmen (the “Board”) received by MassDEP on April 3, 2014, via email; and (2) Mr. James Tibbetts received by MassDEP, via email, on April 15, 2014, after the close of the comment period.

On April 11, 2014, MassDEP received by email a response from Charter Environmental, Inc. (“Charter”) to the Board’s April 3, 2014, comment letter (the “Board’s Comments”). Copies of the Board’s Comments; Mr. Tibbetts’ April 11, 2014, email; and Charter’s April 11, 2014, letter (“Charter’s Response”) are attached hereto. The following are MassDEP’s responses to the comments.

The comments are identified by topic followed by a summary of the comment(s) received, and MassDEP’s response.

TRUCK TRAFFIC

Comment:

Both the Board and Mr. Tibbetts noted that Drum Hill Road is one of the most heavily traveled roads in Chelmsford. They expressed concern that the addition of trucks from this project to this congestion will exacerbate the current traffic problem and have a potentially negative effect on the businesses on Drum Hill Road. The Board requested that a traffic study be conducted to evaluate the impacts of the truck traffic from the project. In addition, the Board commented that the exhaust emissions from the truck traffic associated with the project will increase the unhealthy fumes in the area adversely impacting the air quality.

MassDEP Response:

MassDEP acknowledges that Drum Hill Road is one of the most heavily traveled roads in Chelmsford.

MassDEP notes that, in a November 15, 2013 letter to Charter, the MEPA Office of the Executive Office of Energy and Environmental Affairs notified Charter that the project did not require review under the Massachusetts Environmental Policy Act (MEPA).⁸ As a result, the project did not require any environmental or traffic related studies under MEPA.

⁸ The MEPA process identifies categories of projects or aspects of projects that by their nature, size or location may cause damage to the environment. In the MEPA regulations, Section 310 CMR 11.03 Review Thresholds, a list of

Charter, in its' April 11, 2014 response to the Board's Comments, commits to conduct within sixty (60) days of the commencement of the ISP, an evaluation of the impact of the additional truck traffic on the existing traffic in the area and make recommendations for any traffic related mitigations. Charter proposes to utilize the existing historic traffic data for the area and include field observations of the impact of the additional truck traffic resulting from the ISP activities. In addition, Charter proposes to implement measures to mitigate the generation of air emissions from the project including, without limitation, implementation of the MassDEP diesel retrofit program for on-site construction equipment.

The final decision also requires that Charter implement the diesel retrofit program of on-site equipment, and imposes a 5 minute idling restriction for diesel trucks at the Landfill.

COAL ASH

Comment:

The Board comments note that the provisional decision states, in part, that "Charter may also apply to MassDEP for approval to use additional materials such as coal ash or previously approved BUD materials." The Board comments that the Landfill is located near Chelmsford's water supply and expresses concern for the potential for coal ash to leach into the ground or blow into nearby areas. The Board, also, expressed their "...strong opposition to any future application by Charter for the transportation and dumping of toxic materials at the site including, coal ash".

MassDEP Response:

Regarding the acceptance of coal ash, Charter's Response states that Charter will not pursue the acceptance of coal ash at the Landfill.

Regarding the acceptance of other materials, MassDEP has approved the use of other alternative materials for construction purposes at other sites, including, but not limited to, as grading and shaping material at landfills. As stated in the provisional decision, the receipt of materials other than those currently approved for use as grading and shaping material at the landfill requires application by Charter to and approval by MassDEP. MassDEP's review of such applications includes an evaluation of the site specific conditions and potential impacts of the material including, but not limited to, the potential leaching of compounds into the groundwater.

In addition, the procedures for the submittal and review of such applications require that the applicant provide a copy of the application to the Board of Health; provide the ability for public comment; and provide the right of appeal of MassDEP's decision by the applicant (Charter) and third parties.

In addition, with regards to the public water supply wells Charter's ACO provides that Charter complete and submit to MassDEP a Comprehensive Site Assessment for the Landfill. This will include an assessment of the impact, if any of groundwater contamination at the Landfill on the

the review criteria are presented. If a project exceeds any of the review thresholds further MEPA review is required.

Chelmsford Water District public water supply wells located approximately one-half mile southeast of the Landfill.

HEIGHT OF THE LANDFILL

Comment:

The Board comments that "...When we [the Board of Selectmen] were first informed of this project, Charter representative promised to conduct a "balloon test" (or similar), so that we could determine how visible the landfill would be to nearby residents and businesses. This has not yet been done. We urge you to require this test, and the Town's feedback provided, before project approval is granted."

MassDEP Response:

Charter, in its April 11, 2014 letter to MassDEP commits to providing the Town with 3-D renderings of the potential views of the Landfill based on the plans that will be provided to MassDEP as part of the Corrective Action Design. MassDEP has amended the approval of the ISP to include a requirement that Charter includes such renderings with the Corrective Action Design application.

On October 1, 2013, Charter submitted an application to MassDEP for approval of a conceptual plan for completing the closure of the landfill ("Conceptual Plan"). MassDEP approved the Conceptual Plan on November 20, 2013. The Conceptual Plan included, in part, an estimate of the quantity of grading and shaping material required to complete the closure of the landfill and a site plan showing the projected grades of the landfill cap.

The elevation of the top of the landfill was shown as approximately 212 feet⁹ on the Conceptual Plan, an increase of approximately 47 feet in height over the current elevation of the Landfill of approximately 165 feet⁹. This compares with the maximum elevation of approximately 220 feet⁹ of the adjacent City of Lowell Landfill.

Four primary factors dictate the final elevation of the Landfill:

- The amount of shaping and grading material required to finance the closure activities;*
- Maintaining the minimum (5%) and maximum (3:1) design grades pursuant to section 310 CMR 19.112 General Design Standards of the Massachusetts Solid Waste Regulations;*
- The size of the Landfill (that is, the areal extent); and*
- The proposed post-closure use for the Landfill.*

The grades presented in the Conceptual Plan as approved by MassDEP are based on the acceptance of approximately 420,000 cubic yards of grading and shaping material. This quantity is based on Charter's estimate of the cost to complete the closure and the anticipated revenues that will be generated by that material. MassDEP reviewed Charter's estimate and determined that it is a reasonable estimate.

⁹ Elevation based on North American Vertical Datum 1988 (NAVD 1988).

The Conceptual Closure Plan, consistent with its title, presents a preliminary design for completing the Landfill's closure. It is not the final design. Paragraph 8.K. of the Charter ACO requires Charter submit to MassDEP for review and approval a Corrective Action Design ("CAD") that contains, but is not limited to, the design plans and specifications for completing the closure of the Landfill. The CAD will include the final proposed final grades for the Landfill.

In addition, the procedures for the submittal and review of the CAD applications require that the applicant provide a copy of the application to the Board of Health; provide the ability for the Town and public to comment; and provide the right of appeal of MassDEP's decision by the applicant (Charter) and third parties.

AVAILABILITY OF SAMPLING RESULTS

Comment:

The Board requests that copies of test results from the periodic sampling of materials brought to the Landfill be provided to the Board of Selectmen and the Board of Health.

MassDEP Response:

The Charter ACO and provisional approval of the ISP require the characterization of grading and shaping material accepted at the Landfill including, without limitation, sampling and analysis of the material. Paragraph 8.L. of the Charter ACO requires that Charter submit a Comprehensive Site Assessment to MassDEP for review and approval that, in part, will include the results of environmental sampling performed by Charter at the Landfill.

Paragraph 8.V. of the Charter ACO requires that Charter prepare and submit copies of the Engineer of Record's monthly Construction Monitoring Report to the Boards of Health of the Town of Chelmsford and the City of Lowell including any testing results. In addition, paragraph 8.Y. of the Charter ACO requires that Charter provide copies of all documents submitted to the MassDEP to the Town Manager and Board of Health of the Town of Chelmsford; and to the City Manager, Board of Health and the City Council of the City of Lowell. These documents include any test data submitted to MassDEP.

PUBLIC OUTREACH

Comment:

The Board commented that "...this list of concerns was gathered in a relatively short period of time after this proposal was made public. Therefore we strongly encourage your office to conduct at least one public meeting to address these issues..."

MassDEP Response:

Charter has committed in its April 11, 2014 letter to conduct an informational meeting open to the general public and abutters prior to commencement of the receipt of grading and shaping materials at the Landfill. MassDEP has modified the final decision to incorporate this public information session as a condition of the approval.

Comments Received